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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,563	12/12/2001	Christopher R. Vincent	POU920010123US1	8792
23334 7590 02/22/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER LIU, I JUNG	
			ART UNIT 3691	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/022,563

Applicant(s)

VINCENT, CHRISTOPHER R.

Examiner

Marissa Liu

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/16/2003 and 4/8/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being unpatentable by Walker et al., U.S. Patent Number: 5,862,223 (see PTO-892 form A).

3. As per claim 1, Walker et al. teaches a method for communicating between a purchaser and a plurality of sellers in an online marketplace, said method comprising the steps of:

transmitting a request for bid for a good or service to the sellers via an electronic network (see column 7, lines 8-60 and column 43, lines 35-37), the request for bid not identifying the purchaser (see column 7, lines 52-53 and column 13, lines 54-56);

receiving at least one offer for the good or service from at least one of the sellers via the electronic network, the sellers sending the offers not knowing the identity of the purchaser that is receiving the offers (see abstract and column 13, lines 54-56); and

after receiving the offers, communicating a purchase order to one of the sellers that submitted an offer in order to purchase the good or service (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order" defines "purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304" in the application's specification), the purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order"

Art Unit: 3691

defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304” in the application’s specification) identifying the purchaser (see Fig. 21, column 2, lines 7-10, column 17, lines 3-12, column 18, lines 53-62 and column 52, lines 3-8).

4. As per claim 2, Walker et al. teaches a method of claim 1 described above. Walker et al. further teaches comprising the steps of:

transmitting a statement of interest to the sellers via the electronic network (see column 7, lines 8-60), the statement of interest not identifying the purchaser (see column 7, lines 52-53);
and

receiving information in response to the statement of interest from at least one of the sellers via the electronic network, the sellers sending the information not knowing the identity of the purchaser (see column 7, lines 52-61).

5. As per claim 3, Walker et al. teaches the method of claim 2 described above. Walker et al. further teaches wherein in the step of transmitting the request for bid, the request for bid is transmitted to only the sellers that sent the information to the purchaser (see column 7, line 57-column 8, line 1).

6. As per claim 4, Walker et al. teaches the method of claim 1 described above. Walker et al. further teaches the step of transmitting the request for bid, the request for bid for the good or service is sent to all of the sellers that subscribe to a channel relating to the good or service (see column 40, line 55-column 41, line 9).

Art Unit: 3691

7. As per claim 5, Walker et al. teaches the method of claim 1 described above. Walker et al. teaches the step of transmitting the request for bid includes the sub-steps of:

receiving the request for bid at a first user node of the electronic network (see Fig. 1, abstract and column 37, lines 9-13) ;

determining whether or not to send the request for bid to a server node (see Fig. 30, column 13, lines 35-39 and column 30, lines 31-34, where "A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. In one embodiment it operates as a web server..." is equivalent of "a server node");

forwarding the request for bid to a second user node of the electronic network through a direct connection (see column 9, lines 1-5), when it is determined not to send the request for bid to the server node (see column 37, lines 30-34);

sending the request for bid to the server node for publication, when it is determined to send the request for bid to the server node (see column 13, lines 35-39 and column 18, lines 43-46).

8. As per claim 6, Walker et al. teaches the method of claim 5 described above. Walker et al. teaches wherein the step of transmitting the request for bid further includes the sub-step of publishing the request for bid via the server node to all of the sellers that are subscribed to one or more selected channels (see column 18, lines 43-46 and column 37, lines 2-5).

Art Unit: 3691

9. As per claim 7, Walker et al. teaches the method of claim 5 described above. Walker et al. further teaches wherein the step of transmitting the request for bid further includes the sub-steps of:

 sending the request for bid from the purchaser to the first user node (see column 37, lines 6-18); and

 repeating the sub-steps of determining and forwarding until in the determining step a user node that received the request for bid decides to send the request for bid to the server node (see Fig. 30).

10. As per claim 8, Walker et al. teaches a method for communicating between a purchaser and a seller in an online marketplace, said method comprising the steps of:

 receiving a request for bid for a good or service from the purchaser via an electronic network, the request for bid not identifying the purchaser (see column 7, lines 52-61);

 transmitting an offer for the good or service to the purchaser via the electronic network, the seller sending the offer not knowing the identity of the purchaser that is receiving the offer (see column 7, line 52-column 8, line 1); and

 receiving a purchase order (see column 8, lines 11-14, where “binding acceptance notification” is equivalent of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304” in the application’s specification) from the purchaser so as to form a contract for purchasing the good or service (see column 7, line 67-column 8, line 15), the

Art Unit: 3691

purchase order (see column 8, lines 11-14, where “binding acceptance notification” is equivalent of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304” in the application’s specification) identifying the purchaser (see Fig. 21, column 2, lines 7-10, column 17, lines 3-12, column 18, lines 53-62 and column 52, lines 3-8).

11. As per claim 9, Walker et al. teaches the method of claim 8 described above. Walker et al. further teaches the method comprising the steps of:

receiving a statement of interest from the purchaser via the electronic network, the statement of interest not identifying the purchaser (see column 7, lines 52-61); and

transmitting information in response to the statement of interest to the purchaser via the electronic network, the seller sending the information not knowing the identity of the purchaser (see column 7, line 62-column 8, line 1 and column 9, line 66-column 10, line 7).

12. As per claim 10, Walker et al. teaches the method of claim 8 described above. Walker et al. further teaches wherein the purchase order (see column 8, lines 11-14, where “binding acceptance notification” is equivalent of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304” in the application’s specification) is the first communication in a transaction that identifies the purchaser to the seller (see Fig. 21, column 2, lines 7-10, column 17, lines 3-12, column 18, lines 53-62 and column 52, lines 3-8).

13. As per claim 11, Walker et al. teaches the method of claim 8. Walker et al. further teaches comprising the step of subscribing to one or more channels for receiving requests for

Art Unit: 3691

bids, each of the channels relating to different goods or services (see column 40, line 55-column 41, line 9).

14. As per claim 12, Walker et al. teaches the method of claim 8 described above. Walker et al. further teaches wherein the step of receiving the request for bid includes the sub-steps of:

receiving the request for bid at a first user node of the electronic network (see Fig. 1, abstract and column 37, lines 9-13) ;

determining whether or not to send the request for bid to a server node (see Fig. 30, column 13, lines 35-39 and column 30, lines 31-34, where "A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. In one embodiment it operates as a web server..." is equivalent of "a server node");

forwarding the request for bid to a second user node of the electronic network through a direct connection (see column 9, lines 1-5), when it is determined not to send the request for bid to the server node (see column 37, lines 30-34);

sending the request for bid to the server node for publication, when it is determined to send the request for bid to the server node (see column 13, lines 35-39 and column 18, lines 43-46).

15. As per claim 13, Walker et al. teaches the method of claim 12 described above. Walker et al. further teaches wherein the step of receiving the request for bid further includes the sub-steps repeating the sub-steps of determining and forwarding until in the determining step a user

Art Unit: 3691

node that received the request for bid decides to send the request for bid to the server node (Fig. 30).

16. As per claim 14, Walker et al. teaches a method for operating an online marketplace, said method comprising the steps of:

receiving a request for bid for a good or service from a purchaser, the request for bid not identifying the purchaser (see column 7, lines 52-61);

transmitting the request for bid that does not identify the purchaser (see column 7, lines 52-53 and column 13, lines 54-56) to a plurality of sellers via an electronic network (see column 7, lines 8-60 and column 43, lines 35-37);

receiving at least one offer for the good or service from at least one of the sellers via the electronic network, the sellers sending the offers not knowing the identity of the purchaser that will receive the offers (see column abstract and column 13, lines 54-56); and transmitting the offers to the purchaser (see column 7, line 62-column 8, line 1).

17. As per claim 15, Walker et al. teaches the method of claim 14 described above. Walker et al. further teaches the method comprising the step of communicating a purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order" defines "purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304" in the application's specification) from the purchaser to one of the sellers that submitted an offer in order to purchase the good or service (see column 40, line 55-column 41, line 9 and column 43, lines 38-44), the purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent

Art Unit: 3691

of “purchase order” defines “purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304” in the application’s specification) identifying the purchaser (see Fig. 21, column 2, lines 7-10, column 17, lines 3-12, column 18, lines 53-62 and column 52, lines 3-8).

18. As per claim 16, Walker et al. teaches the method of claim 14 described above. Walker et al. further teaches the method comprising the steps of:

receiving a statement of interest from a purchaser via the electronic network, the statement of interest not identifying the purchaser (see column 7, lines 8-60 and column 7, lines 52-53);

transmitting the statement of interest that does not identify the purchaser to the sellers via the electronic network (see column 7, lines 8-60 and column 7, lines 52-53);

receiving information in response to the statement of interest from at least one of the sellers via the electronic network, the sellers sending the information not knowing the identity of the purchaser (see column 7, lines 52-61); and transmitting the information to the purchaser (see column 7, line 62-column 8, line 1).

19. As per claim 17, Walker et al. teaches the method of claim 16. Walker et al. further teaches wherein in the step of transmitting the request for bid, the request for bid is transmitted to only the sellers that sent the information in response to the statement of interest (see column 7, line 53-column 8, line 1).

Art Unit: 3691

20. As per claim 18, Walker et al. teaches the method of claim 14 described above. Walker et al. further teaches the step of transmitting the request for bid, the request for bid for the good or service is sent to all of the sellers that subscribe to a channel relating to the good or service (see column 40, line 55-column 41, line 9).

21. As per claim 19, Walker et al. teaches the method of claim 14 described above. Walker et al. further teaches wherein the step of transmitting the request for bid includes the sub-steps of:

receiving the request for bid at a first user node of the electronic network (see Fig. 1, abstract and column 37, lines 9-13) ;

determining whether or not to send the request for bid to a server node (see Fig. 30, column 13, lines 35-39 and column 30, lines 31-34, where "A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. In one embodiment it operates as a web server..." is equivalent of "a server node");

forwarding the request for bid to a second user node of the electronic network through a direct connection (see column 9, lines 1-5), when it is determined not to send the request for bid to the server node (see column 37, lines 30-34);

sending the request for bid to the server node for publication, when it is determined to send the request for bid to the server node (see column 13, lines 35-39 and column 18, lines 43-46).

Art Unit: 3691

22. As per claim 20, Walker et al. teaches the method of claim 19 described above. Walker et al. further teaches wherein the step of transmitting the request for bid further includes the sub-step of publishing the request for bid via the server node to all of the sellers that are subscribed to one or more selected channels (see column 18, lines 43-46 and column 37, lines 2-5).

23. As per claim 21, Walker et al. teaches the method of claim 19 described above. Walker et al. further teaches wherein the step of transmitting the request for bid further includes the sub-step of repeating the sub-steps of determining and forwarding until in the determining step a user node that received the request for bid decides to send the request for bid to the server node (see Fig. 30).

24. As per claim 22, Walker et al. teaches a machine-readable medium encoded with a program for operating an online marketplace, said program containing instructions for performing the steps of:

receiving a request for bid for a good or service from a purchaser, the request for bid not identifying the purchaser (see column 7, lines 52-61);

transmitting the request for bid that does not identify the purchaser to a plurality of sellers via an electronic network (see column 7, lines 8-60);

receiving at least one offer for the good or service from at least one of the sellers via the electronic network, the sellers sending the offers not knowing the identity of the purchaser that will receive the offers (see abstract and column 13, lines 54-56); and

transmitting the offers to the purchaser (column 7, line 62-column 8, line 1).

Art Unit: 3691

25. As per claim 23, Walker et al. teaches the machine-readable medium of claim 22 described above. Walker et al. further the machine-readable medium teaches wherein said program (see abstract) further contains instructions for performing the step of communicating a purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order" defines "purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304" in the application's specification) from the purchaser to one of the sellers that submitted an offer in order to purchase the good or service (see abstract and column 7, line 53-67), the purchase order (see column 8, lines 11-14, where "binding acceptance notification" is equivalent of "purchase order" defines "purchase order 318 operates as an acceptance of the offer transmitted by the seller 304 and forms a contract between the purchaser 302 and the seller 304" in the application's specification) identifying the purchaser (see Fig. 21, column 2, lines 7-10, column 17, lines 3-12, column 18, lines 53-62 and column 52, lines 3-8).

26. As per claim 24, Walker et al. teaches the machine-readable medium of claim 22 described above. Walker et al. further teaches the machine-readable medium wherein said program further contains instructions for performing the steps of:

receiving a statement of interest from a purchaser via the electronic network, the statement of interest not identifying the purchaser (see column 7, lines 52-61);

transmitting the statement of interest that does not identify the purchaser to the sellers via the electronic network (see column 7, lines 8-60)

Art Unit: 3691

receiving information in response to the statement of interest from at least one of the sellers via the electronic network, the sellers sending the information not knowing the identity of the purchaser (see column 7, lines 52-61); and

transmitting the information to the purchaser (see column 7, lines 63-column 8, line 1).

27. As per claim 25, Walker et al. teaches the machine-readable medium of claim 22 described above. Walker et al. further teaches the machine-readable medium wherein the step of transmitting the request for bid includes the sub-steps of:

receiving the request for bid at a first user node of the electronic network (see Fig. 1, abstract and column 37, lines 9-13) ;

determining whether or not to send the request for bid to a server node (see Fig. 30, column 13, lines 35-39 and column 30, lines 31-34, where "A conventional personal computer or computer workstation with sufficient memory and processing capability may be used as central controller 200. In one embodiment it operates as a web server..." is equivalent of "a server node");

forwarding the request for bid to a second user node of the electronic network through a direct connection (see column 9, lines 1-5), when it is determined not to send the request for bid to the server node (see column 37, lines 30-34);

sending the request for bid to the server node for publication, when it is determined to send the request for bid to the server node (see column 13, lines 35-39 and column 18, lines 43-46).

Art Unit: 3691

28. As per claim 26, Walker et al. teaches the machine-readable medium of claim 25 described above. Walker et al. further teaches wherein the step of transmitting the request for bid further includes the sub-step of publishing the request for bid via the server node to all of the sellers that are subscribed to one or more selected channels (see column 18, lines 43-46 and column 37, lines 2-5).

29. As per claim 27, Walker et al. teaches the machine-readable medium of claim 25 described above. Walker et al. further teaches wherein the step of transmitting the request for bid further includes the sub-step of repeating the sub-steps of determining and forwarding until in the determining step a user node that received the request for bid decides to send the request for bid to the server node (see Fig. 30).

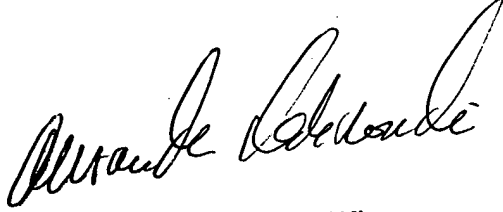
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on First Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick James Nolan can be reached on 571-270-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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